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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA
FRESNO DIVISION

SCOTT LESLIE INGHAM,) CIVIL NO. 1:21-cv-00161-EPG
Plaintiff,)
v.)
KILOLO KIJAKAZI¹,)
Acting Commissioner of Social Security,)
Defendant.)
)
)

STIPULATION TO VOLUNTARY
REMAND PURSUANT TO SENTENCE
FOUR OF 42 U.S.C. § 405(g) TO ENTRY
OF JUDGMENT; ORDER
(ECF No. 8)

IT IS HEREBY STIPULATED by and between the parties, through their undersigned attorneys, and with the approval of the Court, that this action be remanded for further administrative action pursuant to the Social Security Act § 205(g), as amended, 42 U.S.C. § 405(g), sentence four.

¹ Kilolo Kijakazi became the Acting Commissioner of Social Security on July 9, 2021. Pursuant to Rule 25(d) of the Federal Rules of Civil Procedure, Kilolo Kijakazi should be substituted, therefore, for Andrew Saul as the defendant in this suit. No further action need be taken to continue this suit by reason of the last sentence of section 205(g) of the Social Security Act, 42 U.S.C. § 405(g).

Upon remand, the Appeals Council will instruct the Administrative Law Judge to reevaluate the medical opinions and prior administrative medical findings; as warranted, reevaluate the claimant's maximum residual functional capacity; obtain supplemental vocational expert evidence to clarify the effect of the assessed limitations on the claimant's ability to perform other work in the national economy, considering any acquired work skills from the claimant's past relevant work; and offer the claimant the opportunity for a hearing, take any further action needed to complete the administrative record, and issue a new decision.

The parties further request that the Court direct the Clerk of the Court to enter a final judgment in favor of Plaintiff, and against Defendant, reversing the final decision of the Commissioner.

Dated: July 26, 2021

/s/ Jonathan O. Peña*

JONATHAN O. PEÑA

Attorney for Plaintiff

*Authorized via e-mail on July 26, 2021

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Acting United States Attorney
DEBORAH LEE STACHEL
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By: /s/ Ellinor R. Coder
ELLINOR R. CODER
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Attorneys for Defendant

ORDER

Based upon the parties' Stipulation to Voluntary Remand Pursuant to Sentence Four of 42 U.S.C. § 405(g) and to Entry of Judgment (ECF No. 8), and for cause shown, IT IS ORDERED that the above-captioned action is remanded to the Commissioner of Social Security for further proceedings pursuant to the Social Security Act § 205(g), as amended, 42 U.S.C. § 405(g), sentence four. On remand, the Appeals Council will remand the case to an administrative law judge for a new decision in accordance with the parties' Stipulation. The Clerk of the Court is respectfully directed to enter a judgment in favor of Plaintiff and against Defendant.

IT IS SO ORDERED.

Dated: July 28, 2021

/s/ Eric P. Groj